



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,037	12/11/2003	Keith J. Purcell	RSW920030159US1	8444
23307 7590 05/07/2007 SYNNESTVEDT & LECHNER, LLP 1101 MARKET STREET 26TH FLOOR PHILADELPHIA, PA 19107-2950			EXAMINER CHEN, QING	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,037

Applicant(s)

PURCELL, KEITH J.

Examiner

Qing Chen

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to the amendment filed on April 20, 2007.
2. **Claims 1-27** are pending.
3. **Claims 1, 6-9, 12, 14-19, 22, 25, and 26** have been amended.
4. The objection to the specification due to a typographical error is withdrawn in view of Applicant's amendments to the specification. However, Applicant's amendments to the specification fail to fully address the objection due to the use of trademarks. Accordingly, this objection is maintained and further explained below.
5. The objections to Claims 1-27 are withdrawn in view of Applicant's amendments to the claims.
6. The 35 U.S.C. § 112, second paragraph, rejections of Claims 14, 17, 18, and 22 are withdrawn in view of Applicant's amendments to the claims. However, the 35 U.S.C. § 112, second paragraph, rejections of Claims 10, 11, and 27 due to the use of trademarks are maintained in view of Applicant's arguments and further explained below.
7. It is noted that Claims 7 and 16 contain an amendment to the claims that was previously presented (the addition of the text "sheet" in "Stylesheet").

Response to Amendment

Specification

8. The use of trademarks, such as JAVA, J2EE, and JAVASERVER, has been noted in this application. Trademarks should be capitalized wherever they appear (capitalize each letter OR accompany each trademark with an appropriate designation symbol, *e.g.*, TM or ®) and be

Art Unit: 2191

accompanied by the generic terminology (use trademarks as adjectives modifying a descriptive noun, *e.g.*, “the JAVA programming language”).

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Objections

9. **Claims 14-18 and 21-27** are objected to because of the following informalities:

- **Claims 14-18 and 21-27** contain a typographical error: a comma (,) should be added between the parent claim number and the word “wherein.” Applicant is advised to make the correction in order to keep the grammatical style consistent throughout the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. **Claims 10, 11, and 27** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2191

Claims 10, 11, and 27 contain the trademarks or trade names IBM, WEBSPHERE, and JAVA. When a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. **Claims 1-9 and 11-26** are rejected under 35 U.S.C. 102(e) as being anticipated by

Hejlsberg et al. (US 2004/0088688).

As per **Claim 1**, Hejlsberg et al. disclose:

Art Unit: 2191

- generating a description of an application (see Figure 2: 200; Paragraph [0006], "... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ... ");

- providing said description to a web service (see Paragraphs [0017], "Blueprints allow the ASP.NET markup-and-code paradigm to be extended to other domains such as user interfaces, database mapping, web services, and compiled extensible stylesheet language (XSL) transforms." and [0087], "The present invention can be applied to a wide variety of technologies, such as ... web services ... ");

- parsing said description by said web service (see Paragraph [0035], "Upon receiving the blueprint 200, the blueprint translator 210 parses the blueprint (using, e.g., an XML parser) ... ");

- locating a suitable coding module on a node contained within a computational grid (see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example.");

- supplying said description to said node (see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example.");

Art Unit: 2191

- applying said description to said suitable coding module to generate an output object *(see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example."*; Paragraph [0058], "... a blueprint translator can use the CodeDOM (an object model for abstract syntax trees and code generation provided in the System.CodeDom namespace) to generate source code in a language-neutral fashion."); and

- returning said output object *(see Paragraph [0035], "The source code 220 may access or point to a supporting framework or class library 230.")*.

As per **Claim 2**, the rejection of **Claim 1** is incorporated; and Hejlsberg et al. further disclose:

- wherein said suitable coding module comprises a plurality of coding modules *(see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing.")*.

As per **Claim 3**, the rejection of **Claim 2** is incorporated; and Hejlsberg et al. further disclose:

- wherein said plurality of coding modules is located on a plurality of nodes within a computational grid *(see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing.")*.

As per **Claim 4**, the rejection of **Claim 1** is incorporated; and Hejlsberg et al. further disclose:

- wherein said description is generated using Object Meta Language (OML) (*see Paragraph [0006], "... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ... "*).

As per **Claim 5**, the rejection of **Claim 4** is incorporated; and Hejlsberg et al. further disclose:

- wherein said OML is an eXtensible Markup Language (XML) dialect (*see Paragraph [0006], "... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ... "*).

As per **Claim 6**, the rejection of **Claim 1** is incorporated; and Hejlsberg et al. further disclose:

- wherein said suitable coding module is an XML template (*see Paragraph [0047], "In addition, the framework defines a file extension, .dbml, and includes a blueprint translator that can translate .dbml files containing XML-formatted mapping descriptions into source code that targets the framework. "*).

Art Unit: 2191

As per **Claim 7**, the rejection of **Claim 1** is incorporated; and Hejlsberg et al. further disclose:

- wherein said suitable coding module is an eXtensible Stylesheet Language (XSL) style sheet (*see Paragraph [0017], "Blueprints allow the ASP.NET markup-and-code paradigm to be extended to other domains such as user interfaces, database mapping, web services, and compiled extensible stylesheet language (XSL) transforms."*).

As per **Claim 8**, the rejection of **Claim 7** is incorporated; and Hejlsberg et al. further disclose:

- parsing said description to locate at least one variable (*see Paragraph [0048], "... mapping the Customers table in the database to a Customer class in the Northwind namespace. Further details of the mapping include the CustomerID column that maps to an Id property, the ContactName column that maps to a Name property, etc."*); and

- substituting said at least one variable with at least one replacement variable, wherein said at least one replacement variable is the result of an XML/XSL transform (*see Paragraphs [0048], "... the blueprint calls for an Orders collection to be generated in the Customer class based on the relation between the Customer and Order classes described in the <relation> element."* and [0050], "A blueprint like the one set forth above would typically be generated by a database design tool, but it could also be authored manually or created by an XML transformation.").

As per **Claim 9**, the rejection of **Claim 6** is incorporated; and Hejlsberg et al. further disclose:

- parsing said description to locate at least one variable (*see Paragraph [0048], "... mapping the Customers table in the database to a Customer class in the Northwind namespace. Further details of the mapping include the CustomerID column that maps to an Id property, the ContactName column that maps to a Name property, etc."*); and

- substituting said at least one variable with at least one replacement variable, wherein said at least one replacement variable is stored in said XML template (*see Paragraphs [0048], "... the blueprint calls for an Orders collection to be generated in the Customer class based on the relation between the Customer and Order classes described in the <relation> element."* and [0050], "A blueprint like the one set forth above would typically be generated by a database design tool, but it could also be authored manually or created by an XML transformation.").

As per **Claim 11**, the rejection of **Claim 6** is incorporated; and Hejlsberg et al. further disclose:

- wherein said output object is a Java™ file (*see Paragraph [0051]*).

As per **Claim 12**, Hejlsberg et al. disclose:

- generating a description of an application (*see Figure 2: 200; Paragraph [0006], "... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ..."*);

Art Unit: 2191

- providing said description to a web service (*see Paragraphs [0017], "Blueprints allow the ASP.NET markup-and-code paradigm to be extended to other domains such as user interfaces, database mapping, web services, and compiled extensible stylesheet language (XSL) transforms." and [0087], "The present invention can be applied to a wide variety of technologies, such as ... web services ..."*);
- parsing said description by said web service (*see Paragraph [0035], "Upon receiving the blueprint 200, the blueprint translator 210 parses the blueprint (using, e.g., an XML parser) ..."*);
- locating a suitable coding module on a node contained within a computational grid (*see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example."*);
- supplying said description to said node (*see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example."*);
- applying said description to said suitable coding module to generate an output object (*see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas,*

Art Unit: 2191

patterns, and/or hierarchical rules, for example.”; Paragraph [0058], “... a blueprint translator can use the CodeDOM (an object model for abstract syntax trees and code generation provided in the System.CodeDom namespace) to generate source code in a language-neutral fashion.”); and

- *returning said output object (see Paragraph [0035], “The source code 220 may access or point to a supporting framework or class library 230.”).*

As per **Claim 13**, the rejection of **Claim 12** is incorporated; and Hejlsberg et al. further disclose:

- *wherein said description comprises Object Meta Language (OML) (see Paragraph [0006], “... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ...”).*

As per **Claim 14**, the rejection of **Claim 13** is incorporated; and Hejlsberg et al. further disclose:

- *wherein an OML is an eXtensible Markup Language (XML) dialect (see Paragraph [0006], “... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ...”).*

Art Unit: 2191

As per **Claim 15**, the rejection of **Claim 12** is incorporated; and Hejlsberg et al. further disclose:

- wherein said suitable coding module is an XML template (*see Paragraph [0047], "In addition, the framework defines a file extension, .dbml, and includes a blueprint translator that can translate .dbml files containing XML-formatted mapping descriptions into source code that targets the framework."*).

As per **Claim 16**, the rejection of **Claim 12** is incorporated; and Hejlsberg et al. further disclose:

- wherein said suitable coding module is an eXtensible Stylesheet Language (XSL) style sheet (*see Paragraph [0017], "Blueprints allow the ASP.NET markup-and-code paradigm to be extended to other domains such as user interfaces, database mapping, web services, and compiled extensible stylesheet language (XSL) transforms."*).

As per **Claim 17**, the rejection of **Claim 15** is incorporated; and Hejlsberg et al. further disclose:

- parsing said description to locate at least one variable (*see Paragraph [0048], "... mapping the Customers table in the database to a Customer class in the Northwind namespace. Further details of the mapping include the CustomerID column that maps to an Id property, the ContactName column that maps to a Name property, etc."*); and

- substituting said at least one variable with at least one replacement variable, wherein said at least one replacement variable is the result of an XML/XSL transform (*see Paragraphs*

Art Unit: 2191

[0048], "... the blueprint calls for an Orders collection to be generated in the Customer class based on the relation between the Customer and Order classes described in the <relation> element." and [0050], "A blueprint like the one set forth above would typically be generated by a database design tool, but it could also be authored manually or created by an XML transformation.").

As per **Claim 18**, the rejection of **Claim 15** is incorporated; and Hejlsberg et al. further disclose:

- parsing said description to locate at least one variable (see Paragraph [0048], "... mapping the Customers table in the database to a Customer class in the Northwind namespace. Further details of the mapping include the CustomerID column that maps to an Id property, the ContactName column that maps to a Name property, etc."); and
- substituting said at least one variable with at least one replacement variable, wherein said at least one replacement variable is stored in said XML template (see Paragraphs [0048], "... the blueprint calls for an Orders collection to be generated in the Customer class based on the relation between the Customer and Order classes described in the <relation> element." and [0050], "A blueprint like the one set forth above would typically be generated by a database design tool, but it could also be authored manually or created by an XML transformation.").

As per **Claim 19**, Hejlsberg et al. disclose:

- an input terminal for inputting an application description (see Figure 1: 110);

Art Unit: 2191

- a computational grid having at least one node (*see Paragraph [0035], "... a Document Object Model (DOM) ..."*);
- a web service for supplying said application description to said at least one node (*see Paragraph [0087], "The present invention can be applied to a wide variety of technologies, such as ... web services ..."*); and
- a coding module residing on said at least one node, wherein said coding module generates an object from said description (*see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example."*; *Paragraph [0058], "... a blueprint translator can use the CodeDOM (an object model for abstract syntax trees and code generation provided in the System.CodeDom namespace) to generate source code in a language-neutral fashion."*).

As per **Claim 20**, the rejection of **Claim 19** is incorporated; and Hejlsberg et al. further disclose:

- wherein said coding module comprises a plurality of coding modules (*see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing."*).

As per **Claim 21**, the rejection of **Claim 19** is incorporated; and Hejlsberg et al. further disclose:

Art Unit: 2191

- wherein said application description is generated using Object Meta Language (OML) *(see Paragraph [0006], "... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ...")*.

As per **Claim 22**, the rejection of **Claim 21** is incorporated; and Hejlsberg et al. further disclose:

- wherein an OML is an eXtensible Markup Language (XML) dialect *(see Paragraph [0006], "... a file, such as a database mapping description or declaration, is authored by a user or a design tool in a particular data language in which a format can be defined, such as XML. Such an exemplary file is referred to as a blueprint ...")*.

As per **Claim 23**, the rejection of **Claim 19** is incorporated; and Hejlsberg et al. further disclose:

- wherein said coding module is an XML template *(see Paragraph [0047], "In addition, the framework defines a file extension, .dbml, and includes a blueprint translator that can translate .dbml files containing XML-formatted mapping descriptions into source code that targets the framework.")*.

As per **Claim 24**, the rejection of **Claim 19** is incorporated; and Hejlsberg et al. further disclose:

Art Unit: 2191

- wherein said coding module is an eXtensible Stylesheet Language (XSL) style sheet *(see Paragraph [0017], "Blueprints allow the ASP.NET markup-and-code paradigm to be extended to other domains such as user interfaces, database mapping, web services, and compiled extensible stylesheet language (XSL) transforms.")*.

As per **Claim 25**, the rejection of **Claim 24** is incorporated; and Hejlsberg et al. further disclose:

- parsing said description to locate at least one variable *(see Paragraph [0048], "... mapping the Customers table in the database to a Customer class in the Northwind namespace. Further details of the mapping include the CustomerID column that maps to an Id property, the ContactName column that maps to a Name property, etc.")*; and

- substituting said at least one variable with at least one replacement variable, wherein said at least one replacement variable is the result of an XML/XSL transform *(see Paragraphs [0048], "... the blueprint calls for an Orders collection to be generated in the Customer class based on the relation between the Customer and Order classes described in the <relation> element." and [0050], "A blueprint like the one set forth above would typically be generated by a database design tool, but it could also be authored manually or created by an XML transformation.")*.

As per **Claim 26**, the rejection of **Claim 23** is incorporated; and Hejlsberg et al. further disclose:

Art Unit: 2191

- parsing said description to locate at least one variable (*see Paragraph [0048], "... mapping the Customers table in the database to a Customer class in the Northwind namespace. Further details of the mapping include the CustomerID column that maps to an Id property, the ContactName column that maps to a Name property, etc."*); and
- substituting said at least one variable with at least one replacement variable, wherein said at least one replacement variable is stored in said XML template (*see Paragraphs [0048], "... the blueprint calls for an Orders collection to be generated in the Customer class based on the relation between the Customer and Order classes described in the <relation> element."* and [0050], *"A blueprint like the one set forth above would typically be generated by a database design tool, but it could also be authored manually or created by an XML transformation."*).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 10 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hejlsberg et al.** (US 2004/0088688) in view of **Burke et al.** (US 6,789,252).

As per **Claim 10**, the rejection of **Claim 1** is incorporated; however, **Hejlsberg et al.** do not disclose:

Art Unit: 2191

- wherein said web service is IBM® WebSphere®.

Burke et al. disclose:

- wherein said web service is IBM® WebSphere® (*see Column 33: 23-36, "IBM WebSphere 2.0 Standard Edition ... "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Burke et al. into the teaching of Hejlsberg et al. to include wherein said web service is IBM® WebSphere®. The modification would be obvious because one of ordinary skill in the art would be motivated to support enterprise Java™ open standards.

As per **Claim 27**, the rejection of **Claim 19** is incorporated; however, Hejlsberg et al. do not disclose:

- wherein said web service is IBM® WebSphere®.

Burke et al. disclose:

- wherein said web service is IBM® WebSphere® (*see Column 33: 23-36, "IBM WebSphere 2.0 Standard Edition ... "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Burke et al. into the teaching of Hejlsberg et al. to include wherein said web service is IBM® WebSphere®. The modification would be obvious because one of ordinary skill in the art would be motivated to support enterprise Java™ open standards.

Response to Arguments

16. Applicant's arguments filed on April 20, 2007 have been fully considered, but they are not persuasive.

In the remarks, Applicant argues that:

a) In regards to claims 10, 11 and 27, MPEP section 608.01(v) states "if the product to which the trademark refers is set forth in such language that its identity is clear, the examiners are authorized to permit the use of the trademark if it is distinguished from common descriptive nouns from capitalization. If the trademark has a fixed and definite meaning, it constitutes sufficient identification". In Claims 10, 11 and 27, each trademark used (specifically IBM Webshare (sic) and Java file) are clearly identified in the specification, and each has a fixed and defined meaning to one of ordinary skill in the arts. IBM Webshare (sic) is a fixed and defined web service (described in the specification in paragraph [0011]), and a Java file is a fixed and defined file known to be written in the Java language.

Examiner's response:

a) Regarding the instant application, the trademark IBM is used to describe a particular computer technology corporation, the trademark WEBSPHERE is used to describe a particular Web service product, and the trademark JAVA is used to describe a particular programming language. The relevant sections of MPEP § 608.01(v) pertain to the proper use of trademarks in patent specifications, not the claims.

Art Unit: 2191

If the trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

In the remarks, Applicant argues that:

b) Hejlsberg omits the presently claimed steps of locating a suitable coding module on a node contained within a computational grid and supplying said description (before being processed) to the located node for processing. In Hejlsberg, all processing is done locally at the blueprint translator without any search for or transfer to a node on a computational grid. These steps are important to the present claimed invention as the present invention is directed towards taking advantage of the combined power of a computational grid. Hejlsberg never mentions locating a suitable coding module on a node, whether the node is within a computational grid or not. In fact, Hejlsberg is completely silent on the concept of a computational grid.

Examiner's response:

Art Unit: 2191

b) Examiner disagrees. Hejlsberg et al. clearly teach or suggest the presently claimed steps of locating a suitable coding module on a node contained within a computational grid and supplying said description (before being processed) to the located node for processing (*see Paragraph [0035], "... provides the parsed blueprint to a Document Object Model (DOM) for further processing. The output of the DOM is provided to a semantic analyzer and code generator. Source code 220 is thereby generated in accordance with predetermined schemas, patterns, and/or hierarchical rules, for example."*).

Under the broadest reasonable interpretation, the Document Object Model (DOM) is interpreted as the computational grid. This interpretation is supported by the definition of DOM in Microsoft Computer Dictionary, which defines it as "a treelike hierarchy of nodes in which the document is an object containing other objects, such as images and forms." Furthermore, the definition of DOM states that through DOM, programs and scripts can access these objects in order to change aspects such as their appearance or behavior.

Hejlsberg et al. disclose that the DOM is used for further processing of the blueprint, which indicates that a suitable coding module on a node is located within DOM and that source code is generated according to predetermined schemas, patterns, and/or hierarchical rules.

In the remarks, Applicant argues that:

c) Hejlsberg provides no teaching or support for asserting that its DOM functions as a computational grid. Hejlsberg defines its DOM as merely a middle step between parsing a blueprint file and generating a code file.

Art Unit: 2191

Examiner's response:

- c) Examiner has addressed Applicant's arguments in the Examiner's response (b) above.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2191

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QC / QC
April 27, 2007


WEI ZHEN
SUPERVISORY PATENT EXAMINER